

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF VIRGINIA**

FIRST NATIONAL BANK OF
PENNSYLVANIA, successor by merger to
Yadkin Bank AND BANK CAPITAL
SERVICES, LLC d/b/a F.N.B. Equipment
Finance,

Plaintiffs,

v.

INDEPENDENCE LUMBER, INC. and J.
RANDALL ELLER,

Defendants.

Civil Action No.: 7:20mc20

**NOTICE OF REGISTRATION OF
ORDER APPOINTING RECEIVER OF PROPERTY**

This Notice is filed in accordance with 28 U.S.C. § 754.

On July 10, 2020, First National Bank of Pennsylvania, successor by merger to Yadkin Bank, and Bank Capital Services, LLC d/b/a F.N.B. Equipment Finance filed a *Complaint* against Independence Lumber, Inc. and J. Randall Eller in the United States District Court for the Middle District of North Carolina in Civil Action No. 1:20-cv-637 (the “Complaint”) as well as an *Emergency Motion to Appoint Receiver* (the “First Motion to Appoint Receiver”).

On July 20, 2020, the Court entered an *Order Appointing Receiver* (the “First Receivership Order”). As more fully stated therein, the First Receivership Order appointed Aurora Management Partners as Receiver (“Receiver”) pursuant to Federal Rule of Civil Procedure 66 for the assets, business, and operations of Defendant Independence Lumber, Inc. and certain assets owned by Defendant J. Randall Eller that were pledged as collateral security for the loans.

Following its appointment, the Receiver identified assets subject to the First Receivership Order, which are located in federal districts other than the Middle District of North Carolina, including assets believed to be located in this district.

The Receiver filed a *Motion for Order Reappointing Receiver* (the “Second Motion to Appoint Receiver”) on August 14, 2020, which was granted on August 19, 2020 by entry of an *Order Reappointing Receiver* (the “Second Receivership Order”).

Receiver hereby registers and files the *Complaint*, the *First Receivership Order*, and the *Second Receivership Order*, attached hereto as Exhibits A, B, and C, respectively.

Any inquiries or responses to this Notice and Registration should be directed to lead counsel in the case pending in the Middle District of North Carolina and addressed as follows:

Cole Schotz, P.C.
Attn: Gary Leibowitz
300 E. Lombard Street
Suite 1450
Baltimore, MD 21202
GLEibowitz@coleschotz.com

Dated: August 27, 2020

COLE SCHOTZ P.C.

/s/ Andrew L. Cole
Andrew L. Cole (Va. Bar No. 48180)
Cole Schotz P.C.
300 E. Lombard St., #1450
Baltimore, MD 21202
(410) 230-0660
acole@coleschotz.com

*Counsel for Aurora Management Partners
as Federal Receiver for Independence Lumber, Inc.*